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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

1 RECORD OF ORAL HEARING  
2  
3 UNITED STATES PATENT AND TRADEMARK OFFICE  
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5  
6 BEFORE THE BOARD OF PATENT APPEALS  
7 AND INTERFERENCES  
8  
9

10 *Ex parte* R. SHANE GREEN, EDIN SARACEVIC,  
11 TARIK KURSPAHC, and MICHAEL D. SYLVESTER  
12

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14 Appeal 2009-011310  
15 Application 09/876,111  
16 Technology Center 2400  
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19 Oral Hearing Held: April 20, 2010  
20  
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23 Before ROBERT E. NAPPI, ELENI MANTIS-MERCADER, and  
24 BRADLEY W. BAUMEISTER, *Administrative Patent Judges*.  
25

26 APPEARANCES:  
27  
28

29 ON BEHALF OF THE APPELLANT:  
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38

1       The above-entitled matter came on for hearing on Tuesday, April 20,  
2       2010, commencing at 9:30 a.m., at the U.S. Patent and Trademark Office,  
3       600 Dulany Street, Alexandria, Virginia, before Victoria L. Wilson, Notary  
4       Public.

5       THE USHER: Good morning. Calendar number 54. Appeal number  
6       2009-011310. Ms. Schoedel.

7       JUDGE NAPPI: Good morning, Ms. Schoedel.

8       MS. SCHOEDEL: It is actually "Shadle" is how we pronounce it.

9       JUDGE NAPPI: Good morning. Welcome. You have 20 minutes.

10      MS. SCHOEDEL: Yes. I actually have a presentation -- or something to put  
11      on the easel here.

12      JUDGE NAPPI: Let me ask you is what you are putting up on the easel  
13      something you presented to the Examiner before?

14      MS. SCHOEDEL: The actual content has but the -- the way it is presented is  
15      different and if you want to just look --

16      JUDGE NAPPI: You mean -- okay. I understand what you are saying. The  
17      arguments have been made but those particular drawings haven't been.

18      MS. SCHOEDEL: Yes.

19      JUDGE NAPPI: That's fine.

20      MS. SCHOEDEL: Copies of the exhibits.

21      JUDGE NAPPI: Ooh, color.

22      MS. SCHOEDEL: They gave me an old-fashioned easel here so I'm going to  
23      try and jerry-rig this.

24      JUDGE NAPPI: It is the same thing that's in the color?

25      MS. SCHOEDEL: Yes. So if it looks a little funny on the easel, you will have  
26      a copy in front of you.

1 I'm ready whenever you are.

2 JUDGE NAPPI: You may begin.

3 MS. SCHOEDEL: My name is Lisa Schoedel and I'm patent counsel for  
4 NAVTEQ, the subject patent application assigned to the Map Network, Inc.,  
5 which is a subsidiary of NAVTEQ. The Map Network was founded in 1999 in  
6 nearby Washington, D.C., and produces maps for cities, events and facilities.  
7 For example, they produce maps for trade shows. So if you were interested in  
8 finding a particular booth on a trade show floor, you may be able to use one of  
9 the Map Networks' maps.

10 The Map Networks' invention has to do with providing information about  
11 points of interest. This is sometimes referred to as a POI. Each of Applicant's  
12 independent claims includes claim language defining a location code. While  
13 the claims also include other elements, I'm here to explain why the 102  
14 reference, Hancock, does not show or suggest the location code as claimed in  
15 all of Applicant's independent claims.

16 At the top of Exhibit 1 is an example of Applicant's location code. The first  
17 substring indicates one of a plurality of geographic areas. In this example, the  
18 number 1 in the code represents Washington, D.C. The second substring in  
19 the code represents one of a plurality of categories. In the example at the top  
20 of Exhibit 1 is the number 3, which represents the category of restaurant. The  
21 third substring indicates one of a plurality of subcategories of one of plurality  
22 of categories.

23 In the example at the top of Exhibit 1, the number 25 represents French  
24 restaurants, which is a subcategory of restaurants. The fourth substring  
25 indicates a -- uniquely indicates a point of interest of a type corresponding to  
26 the category information located in the geographic area.

1 So the example at the top, the number 4, refers to Marcel's Restaurant, which  
2 is a French restaurant in Washington, D.C. If you were to be a user of  
3 Applicant's system, you would enter that code into a user device and you  
4 would get all the information regarding Marcel's Restaurant, the address, the  
5 menu and so on, hours of information and so on.

6 Contrasting that to Hancock, who describes two different types of location  
7 codes, both of Hancock's location codes begin with district information. In the  
8 example in Exhibit 1, the district information is reflected in US.GA.ALB.

9 Hancock describes that the district information in the United States is  
10 conveniently based on a city name.

11 So, in this example, that district information represents Albany, Georgia.

12 After the district information in the universal locational address code or the  
13 ULA that Hancock has, he uses a grid system to further subdivide the district  
14 into smaller and smaller geographic areas.

15 So, in this example, the number 13 represents a 20-kilometer area within  
16 Albany and as you move down the substrings, each number represents a  
17 smaller and smaller area within Albany. So, when you get down to the 14, that  
18 represents a 9-meter area within Albany, Georgia. So each of those substrings  
19 indicates geographic area.

20 JUDGE NAPPI: Quick question for you.

21 MS. SCHOEDEL: Sure.

22 JUDGE NAPPI: It seems to me that both of these -- the reference in your  
23 claims are citing different location codes and that you are saying that each  
24 element or substring of your location code is describing something, the  
25 description of it is different.

26 MS. SCHOEDEL: Yes, exactly. So I --

1 JUDGE NAPPI: I have a question for you.

2 MS. SCHOEDEL: Sure.

3 JUDGE NAPPI: Do you actually have recited in the claim any function  
4 associated with those individual strings?

5 MS. SCHOEDEL: Yeah. As I mentioned, I'm just reciting the claim  
6 elements.

7 JUDGE NAPPI: Okay. And I'm asking what is the function of each. Is there  
8 any function related to those differences or is it just an identifier saying this  
9 substring represents this thing but we never actually functionally operate on  
10 that?

11 MS. SCHOEDEL: No. We can actually get to category information, so if  
12 you --

13 JUDGE NAPPI: Okay. Then where is that claim?

14 MS. SCHOEDEL: If you get to independent claim --

15 JUDGE NAPPI: I'm looking at claim 21 right now.

16 MS. SCHOEDEL: Okay. Yeah.

17 JUDGE NAPPI: Because it seems to me we both have -- both of the reference  
18 and the claim are citing some kind of location -- some kind of code that  
19 identifies a spot.

20 MS. SCHOEDEL: It is both -- yeah, the code represents a point of interest.

21 JUDGE NAPPI: It is kind of like identifying an address two different ways.

22 MS. SCHOEDEL: Exactly.

23 JUDGE NAPPI: And, so, my question is is you are saying your claim cites  
24 that the address is identified by what type of establishment it is and the  
25 reference teaches a geological location position.

1 And my real question comes in is you have described each substring as  
2 identifying one of those -- something that goes to the type but what I am not  
3 seeing is that that is functionally related to the method claimed.

4 MS. SCHOEDEL: There is one that talks about using a delimiter into --  
5 claim 38 talks about "part of which has been replaced by the wildcard."

6 JUDGE NAPPI: Give me a second to find that.

7 JUDGE BAUMEISTER: Line 3.

8 JUDGE NAPPI: Okay.

9 MS. SCHOEDEL: So with that wildcard, you could then receive information  
10 about all categories.

11 JUDGE NAPPI: Okay. I know I asked the question but then the other  
12 question is this: Was that aspect of things presented to the Examiner --

13 MS. SCHOEDEL: No.

14 JUDGE NAPPI: -- the wildcard of 38?

15 MS. SCHOEDEL: No. It's all been based on the actual claim language having  
16 to do with the location code. And, actually, it was the next -- I had just  
17 described what the ULA is. It is the PLA that the Examiner used as the code  
18 having category information in it.

19 So the PLA starts with the district -- same district information as I described  
20 previously for Albany, Georgia. And then the PLA ends with a unique name  
21 that is unique to the district that defines a physical structure or location in that  
22 district.

23 In this example, the MACD represents a McDonald's. So the question that's  
24 been placed in the Briefs is whether -- the Examiner had argued the  
25 McDonald's is of a type corresponding to Albany, Georgia. And the question  
26 is with Albany, Georgia, being a geographic area, can Hancock's geographic

1 area of Albany, Georgia, be the claimed category and subcategories of the  
2 claims.

3 And my answer is no for several reasons. And, first, the substring -- or the  
4 claims distinguish a substring that indicates a geographic area from a substring  
5 that indicates category information. If you were to look at the fourth substring  
6 language and insert Albany, Georgia, you would receive the language uniquely  
7 indicates McDonald's of a type corresponding to Albany, Georgia, located in  
8 Albany, Georgia.

9 Well, that doesn't make sense because the phrases "of a type" and "located in"  
10 have two different meanings. One begins -- "of a type" means where is the  
11 P -- or what kind of POI is it, where "located" refers to where is the POI. This  
12 interpretation eliminates the need for the second and third claim -- substring  
13 claim language, resulting in claim language that reduces Applicant's claims  
14 down to a first substring that indicates a plurality of geographic areas and a  
15 fourth substring that indicates a point of interest located in one of the plurality  
16 of geographic areas.

17 So the interpretation is not consistent with the claim language. Additionally,  
18 the interpretation is not consistent with Applicant's specification, which states,  
19 "The location code contains locational and categorical information on every  
20 point of interest." So the specification distinguishes between location  
21 information and category information.

22 The specification also describes that you can use category substrings to find all  
23 points of interest in a category. As I was describing with your previous  
24 question, if you were to drop off the number 4, you would receive a listing of  
25 all French restaurants within Washington, D.C. If you drop off the MACD  
26 from Hancock's PLA, you would get a listing of every single place within



1 Albany, Georgia. Well, this defeats the purpose of both Hancock and  
2 Applicant's, which is to provide POI information quickly.  
3 Hancock also uses the term "category" in the same manner of Applicant and  
4 describes a user selecting categories among menu items. If you look at  
5 Exhibit 2, which is a reproduction of Hancock's figure 17, Hancock describes  
6 that once his system knows the user's location, and that can be done with the  
7 PLA and the ULA, the user selects categories of interest or one or more  
8 category features as shown in block 1704.  
9 Hancock describes categories as restaurants, banks, hotels and libraries and so  
10 on, same thing that Applicants use. In fact, Hancock actually uses the example  
11 of a restaurant, the same way Applicants use in their specification. Hancock  
12 describes that the user can find nearby restaurants by first selecting the  
13 corresponding category of interest, as shown in block 1704.  
14 Thus, Hancock's users browse through layers of categories to select POI  
15 category information. This selection of category information is exactly what  
16 the claimed location code avoids. When the specification describes the  
17 benefits of having the category information directly in the location code,  
18 Applicants describe this retrieves information about any POI in one step  
19 without the need for browsing through layers of categories to get to the  
20 information on a particular POI.  
21 So not only does Hancock not show category information in its codes, it also  
22 does not suggest it. In fact, it has a method of handling the category  
23 information that is exactly what Applicants are trying to avoid.  
24 That's my argument. Do you have any questions?  
25 JUDGE NAPPI: No.  
26 Bill, do you have any questions?

1 MS. SCHOEDEL : Well, thank you for considering my arguments. I  
2 appreciate it.

3 JUDGE NAPPI: Thank you.

4 JUDGE BAUMEISTER: Thank you.

5 Whereupon, the proceedings at 9:44 a.m. were concluded.

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